

Remarks: Landmark Lion Award

October 29, 2024

Thank you for those generous introductions. Thank you to HDC and in particular, Frampton, Alison, and the rest of the Board and staff.

When Frampton telephoned me a few months ago about this award, I was stunned into silence, which, as many of you know, is uncharted territory for me. However, I regret to inform you that I will not be suffering from that affliction tonight, insofar as, you can probably imagine, I have a few things to say.

But before I begin the substance of my remarks, I'd like to thank the best law firm in New York City, the members of whom each have contributed to the work that makes preservation a successful focus of what we do. And special

thank you's to two people in particular -- my partner, Jason Zakai, an outstanding and dedicated preservation lawyer in his own right. And to Susan Fauls, whose passionate dedication to our causes is unparalleled, but who regrettably was unable to attend tonight's festivities. To all of you at Hiller, PC, I share this award with you, although, I'm going to keep it in my office for now.

I would also like to say a word or two about one of the matriarchs of the preservation movement – Christabel Gough. Christabel has had such an extraordinary impact on my legal career, and has worked with me to preserve some of New York City's most important landmarks. I've learned so much from Christabel, and wanted to take this opportunity to thank her for her enormous contributions to

landmark preservation and my work in its support.

Thank you also to my family – especially Em and Sam, who inspire me to be the best I can be; my wife, who insists on it, and who has helped me build a life of which I am so proud. By the way, Happy 35th Anniversary, Honey Bunny. It's been an amazing ride.

My career has also been a wild ride. And landmark preservation has been its driving engine. I'm a preservation lawyer because I love New York City. It's the most incredible city in the world – one that features the high rises of the financial district, the town houses of Brooklyn Heights, the extraordinary flair of Harlem, remarkable landscapes of Staten Island, and so much more. We enjoy the rare privilege of living in a cultural, religious, racial, and

ethnic mosaic. And our preserved architecture -- our historic buildings and structures, and our scenic and cultural landmarks -- breathe life into that mosaic.

Our landmarks remind us of, not only who we were and are, but also what we aspire to be as a people. For these reasons, historic preservation cannot be a luxury; it must be a priority.

Now, each year, we complain about the Landmarks Preservation Commission and its obvious lean in favor of development over historic preservation. While I have strong views on the subject, I don't intend to devote much time to it tonight. It's not that I think the issue unimportant; but, having devoted much of my adult life to coaching youth and teen sports, I recognize that blaming the referees, even

when appropriate (as is often the case here), neither advances an effective agenda nor otherwise makes the sort of difference that can provide meaningful benefits to our cause.

Instead, I'd like to take the next few minutes and focus on our community. What can we do to be more effective? In other words, let's assume that the Commission is beholden to development; let's assume the City's commitment to preservation does not currently conform to the requirements of the Landmarks Law. Ok, So, now what?

Ladies and gentlemen – I have a plan.

THE PLAN

1. *First*, we must work together as a bloc. In this way, we need to be more like the developers whom we oppose. For example, when developers support development -- when they oppose preservation -- they do not act separately. They do not oppose each other's projects. They do not hold grudges against each other. They stand as a unitary movement in favor of the avarice that defines development in New York.

We, as preservationists have unifying objectives, but rarely act as a bloc. We don't share our membership lists. We have no overarching organizational structure that supports our shared objectives, like REBNY is for developers. And, while preservation organizations

sometimes work together, it's the exception rather than the rule when it happens.

As Benjamin Franklin is reported to have said at the signing of the Declaration of Independence, "if we fail to stand together, we will surely hang separately." Today, because we are not sufficiently unified, historic landmarks are hanging separately. This cannot continue.

It is my understanding that Roberta Gratz and other prominent preservationists are working together to create a new, unifying campaign -- Campaign for a Livable City -- that will work hand-in-hand with other groups to fortify preservation by dedicating itself to fighting out-of-control development *wheresoever situated*. It will be designed to create an endowment of resources so that we can preserve

our neighborhoods and communities in a manner that is consistent with New York City's greatness. And whether the new threat arises in Manhattan, Brooklyn, Queens, the Bronx or Staten Island, this new campaign could be the fuel for a new *unified opposition to the assaults on our historic landmarks*, and reinforce our commitment to them.

Let's support that campaign by contacting Roberta and working with her to make it a unifying and powerful force in New York City. She's here tonight. Let's get to work.

2. *Second*, my law firm is going to put its money where its proverbial mouth is. Today, I am announcing that Hiller, PC will be endowing an award for law students who demonstrate a commitment to historic preservation in New York City. This will accomplish two objectives. First, it

will drum up interest in and support for historic preservation. Second, and admittedly, this is somewhat self-interested, it should also add lawyers to the roster of attorneys in the City who are committed to historic preservation work. Because honestly, we need the help.

The one pot-shot I'll take at the Commission tonight is that, if the Commission were doing its job better, we'd be a lot less busy. Indeed, the Commission's primary objective should be, in the first instance, to enforce the Landmarks Law in a manner that fosters preservation in accordance with its stated goals. Instead, however, the Commission, far too often, serves as an ombudsman dedicated to *mediating* disputes between preservationists and developers. And developers, with their lobbyists and paid consultants,

consistently propose aggressive development projects that are far to the right of the Landmarks Law -- so much so that the so-called "middle ground" is consistently skewed in favor of development. That's the dynamic. So, the preservation movement needs more and more lawyers to reset the playing field and to re-frame the analysis at the Commission to focus, not on mediating disputes between preservationists and developers, but rather focusing on enforcing the Landmarks Law and its objectives. An award program is a healthy first step toward achieving that goal.

3. *Third*, we need our elected representatives to require the Commission to change its rules so that organized opposition and other interested stakeholders are afforded the same amount of time as developers at Commission hearings

and meetings. Right now, developers get unlimited time at each hearing or meeting; by contrast, we get just three minutes at the first hearing, and no time thereafter. No wonder the developers win so often; they have an absurd institutional advantage. Imagine a boxing match in which both participants can throw punches in the first round, but after that, only one boxer gets to throw punches for the next 11. That's the way it is at the Commission. And it must end. Next time you see a public official, ask his or her view on this issue, and urge them to engage in oversight hearings. Urge them to direct the Commission to change its one-sided rules.

4. And *lastly* and most importantly, we need to stop mourning and start marching. In every preservation battle

that we've won, it's been because we outworked our adversaries. And the truth is – we can win these battles. I know that because we have won battles in the past – the fight to preserve the NY Public Library, the fight to preserve Central Park from a museum expansion project, the fight to preserve the First Church of Christ Scientist, the fight to preserve Hopper Gibbons House, the fight to preserve the Merchant's House from a development project in 2018, the fight to designate 827-831 Broadway as the first artist-in-residence loft studio in the Village and then to prevent the building from becoming a communications tower in 2020. In each of these battles, we beat the developers.

So, the battles can be won. We thus can be optimistic. But we must earn our optimism through hard work, mutual

cooperation and alignment, and eliminating our provincial and internal disagreements in favor of unified advocacy.

At present, I'm involved with two major preservation battles which are central to the movement – preserving the West Park Presbyterian Church from demolition and preserving the Merchant's House from yet *another* development project which stands as an existential threat to its existence.

With respect to West Park, we have garnered the support of our public officials, most significantly, the amazing Gale Brewer. We have also received support from HDC. But there are dozens of other preservation organizations from whom we have heard precious little or nothing at all. Let's align and unify behind West Park.

Because what's at stake with West Park is more than just that particular building; the issues in that dispute go to the very heart of the Landmarks Law itself. *Everything* is at stake. *And we must work and act* like everything is at stake.

Two years ago, I stood at the Church and pounded the lectern, arguing that “we can win this thing.” Well, in response to our submissions, the Commission urged the developer in that dispute to withdraw its hardship application; and it was, in fact, later withdrawn. But the developer is definitely coming back. So, there's more work to be done. We can *still* win this thing. We can *be* optimistic. But we have to *earn* that optimism through stronger alignment, harder work and pure grit.

Merchant's House, one of the City's most important

landmarks, is also at substantial risk. I'm telling you right now that the adjacent development project, if not defeated, would destroy Merchant's House and its contents. I have read the reports that the Commission completely disregarded. I have spoken with the engineers whose views were never considered by the Commission. Merchant's House would not survive if the adjacent project were to proceed.

And yet, I am optimistic that we will preserve Merchant's House from its otherwise inevitable destruction because Merchant's House is putting in the work, speaking with public officials, fighting every battle, preparing petitions, holding walking tours, and taking every conceivable action necessary to save this one-of-a-kind last-

of-its kind building. Let's align and unify to save ***both*** Merchant's House and the West Park Presbyterian Church.

Ladies and gentlemen, I will say again, now is not a time for complaining about our public institutions and mourning the death of preservation; it is a time for marching in support of our shared vision for a glorious New York City. It is a time for us to earn our optimism through alignment, mutual support, collective action and hard work. When we have done those things in the past, we *have* won. And we can win again. And when we do, we will ensure a future New York City that aspires to find the richness in its present by honoring the greatness of its past. And we will have earned the optimism that New York City so desperately needs.

Michael S. Hiller